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FEB 19 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Petition of)
)
UNITED STATES CELLULAR CORPORATION)
)
To Delete or Nullify the Effect)
Of Footnote 3 of the Commission's)
Final Order in CC Docket No.)
90-257)

CC Docket No. 94-11

To: The Commission

ERRATUM TO OPPOSITION TO PETITION

Potosi Company, by its attorneys, hereby corrects its "Opposition to Petition", filed yesterday in the above-captioned proceeding, in the following respects (the corrections are underlined):

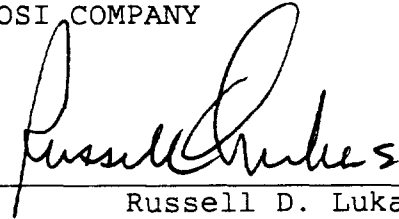
- (1) By correcting the first sentence of paragraph 12, page 5, to read "Potosi has no direct knowledge regarding the testimony that was given before Administrative Law Judge Chachkin . . .";
- (2) By correcting the first sentence of paragraph 19, page 8, to read ". . . Mr. Belendiuk identified Kit Crenshaw, John Brady and Pat Brady as the La Star 'contacts'";
- (3) By correcting footnote 25, page 8, to read "See id. at Exhibit 3";
- (4) By correcting paragraph 24, page 9, to read ". . . the Commission would be justified in designating TDS for an evidentiary inquiry . . ."; and

- (5) By providing the Commission with the original declaration of James H. Creekmore, Sr. to substitute for the facsimile copy of Mr. Creekmore's declaration which was filed at Tab 1 to the pleading.

Respectfully submitted,

POTOSI COMPANY

By



Russell D. Lukas
David L. Nace

Its Attorneys

Lukas, McGowan, Nace
& Gutierrez, Chartered
1819 H Street, N. W.
Seventh Floor
Washington, D. C. 20006
(202) 857-3500

February 19, 1993

DECLARATION

I, **JAMES H. CREEKMORE, SR.**, declare the following under penalties of perjury:

1. I am the president of Potosi Company. I am also an officer of Mississippi Cellular Telephone Company ("MCTC"), which was known as Cellular South, Inc. ("Cellular South") from October 1, 1987 until March 1991 when the name was changed. MCTC has been the licensee of the wireline cellular systems in the Biloxi-Gulfport and Pascagoula, Mississippi MSAs since 1988.

2. H. Donald Nelson is vice president of MCTC. Mr. Nelson is also president of United States Cellular Corporation.

3. On October 23, 1987, Mr. Nelson called and told me that Telephone and Data Systems, Inc. ("TDS") had acquired Maxcell's interest in an application to provide cellular service to the north New Orleans area. Mr. Nelson wanted Cellular South to consent to have a 39 dbu contour extension into the Biloxi-Gulfport MSA. He asked me to call an engineer by the name of Mark Peabody to discuss the proposed extension.

4. I have attached hereto as Exhibit 1 a copy of the notes that I took during the telephone conversations I had with Mr. Nelson and Mr. Peabody on October 23, 1987.

5. Mr. Nelson called me again on February 9, 1988. Mr. Nelson advised me that TDS and Lafourche Telephone Company ("Lafourche") were on the same side of litigation involving an application to provide cellular service to St. Tammany Parish, Louisiana. Mr. Nelson informed me that Arthur Belendiuk was their lawyer. He indicated that TDS and Lafourche wanted to use the Cellular South switch in the Biloxi-Gulfport MSA. I told Mr. Nelson that I would be happy to talk to Mr. Belendiuk about it. He said that he was going to put Mr. Belendiuk "in touch with us."

6. Exhibit 2 hereto is a copy of the notes that I took during the telephone conversation I had with Mr. Nelson on February 9, 1988.

7. Mr. Belendiuk called me later on February 9, 1988. He stated that he represented LaStar Cellular Telephone Company "LaStar"), which was a partnership between TDS and Lafourche. Mr. Belendiuk stated that LaStar would be seeking interim operating authority to serve the north New Orleans area. He indicated that LaStar would like to operate using the Cellular South switch.

8. Mr. Belendiuk informed me that Kit Crenshaw would be the contact person for LaStar. He also said that John and Pat Brady could be contacted. To the best of my recollection, I never discussed LaStar's proposal with Mr. Crenshaw, John Brady or Pat Brady. I only discussed the matter with Don Nelson, Mark Peabody and Arthur Belendiuk.

9. Exhibit 3 hereto is a copy of the notes I made during my conversation with Mr. Belendiuk on February 9, 1988.

10. Exhibit 4 hereto is a copy of the facsimile I received from Richard L. Biby, P.E., concerning the proposed 39 dbu overlap into the Biloxi-Gulfport MSA.

11. On February 16, 1988, I had another telephone conversation with Mr. Belendiuk. My brother, Wade H. Creekmore, Jr., was also a part to the conversation. Mr. Belendiuk again stated that LaStar wanted to use the Cellular South switch in order to have a more believable application with the FCC and to save money. Mr. Belendiuk stated that LaStar wanted Cellular South to consent to the 39 dbu contour overlap. He assured us that LaStar was not interested in serving the Biloxi-Gulfport MSA.

12. Exhibit 5 hereto is a copy of the notes I made during the conversation with Mr. Belendiuk on February 16, 1988.

13. All of the foregoing facts are true, complete and correct to the best of my personal knowledge and belief, and are proffered in good faith.


James H. Creekmore, Sr.

Executed this 18th day of February, 1993.

10-23-87JC + Don Nelson

An issue in N.O. (n. of lake). In acquiring Alexandria, they got a piece of B. Roque + N. New Orleans. N. New Orleans is contingent on getting FCC approval vs. Bell South.

A plan (n. of the lake) - - 1 cell incurs ~~5-7%~~ 5-7% into Biloxi MSA. The engineer wants to talk to us (Peabody) Mark 703-522-5722. Dick Biby, engineering/consult firm. Communications Engineering Services, Arlington, Va.

Two can file for it -- Maxcell (wireline) is what TDS group bought out.

Bell South filed for south of the lake. ~~The FCC~~ Didn't file north of the lake originally. Starr is majority, TDS had bought a piece of Starr's cellular interest. By virtue of this TDS got into N.O. Don asked me to call Peabody and talk to him about it.

I called Peabody right after talking to Don.

I called → Peabody : 2:30 P.M. La.

Filing amendment to Starr application. La - Starr reinstated (FCC will take a look at it). FCC is rescinding CGSA north of the lake, and will decide all over again who gets it. application

La - Starr extends into Miss. They want to say it is OK. because it would be mutually beneficial, handoff, etc.

Filing is due Monday morning. I told him I wanted to talk to Wade first, and we'd call him Mond

They want to say US Cellular has an interest in Biloxi and this would help on handoff, etc.

5/10 min. later: I called him back and told him not to interpret anything I said as agreeing with their position because we were non-committal at this time. He said he understands.

2-9-88

J C & Don Nelson

St. Tammany Parish, La. -- Lafourche Del.
In litigation with FCC. Lafourche + TDS on same side.
Arthur Belinduke wants to talk about the
possibility of tying into our switch.
This is the North New Orleans area.

Belinduke is FCC lawyer; knows Nace. It
sounds like the proponents are planning to propose
using our switch to the F.C.C.

I told Don we would be happy to talk
to Belinduke, so Don is going to put him in
touch with us.

2-9-88

J.C. & Arthur Belinduke

202-887-0600

Belinduke represents LaStar, a partnership between TDS & Lafourche.

They got a favorable hearing at Ct. of appeals. So its back to the FCC.

They are seeking an interim order to operate out of our switch.

Bell South has no valid license to serve the North New Orleans area. They do have a temporary authority.

Belinduke sees at least another visit to the Ct. of Appeals, so they are looking at maybe several more years. Thus they want to operate off our switch on this interim basis.

They are trying get a decision by Mar. 27, so they'll need to file before Feb. 27. In any case the FCC will have to act within the next few months. LaStar would like to get up w/in 60-120 days of an order.

They would need our O.K. plus some frequency coordination from our engineers.

Kit Crenshaw - LaFourche is contact man.
574-693-4567. (Attorney) John or Pat also.

Exhibit 4

RICHARD L. BIBY
COMMUNICATIONS ENGINEERING SERVICES, P. C.
1600 WILSON BOULEVARD
SUITE 1003
ARLINGTON, VIRGINIA 22209
(703) 522-5722

TELECOPIER COVER LETTER

DATE: February 16, 1988TOTAL NUMBER OF PAGES (INCLUDING COVER LETTER): 2TO: Mr. Jimmy Creekmore

COMPANY: _____

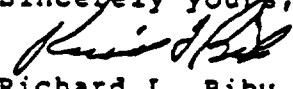
FROM: Richard L. Biby, P.E.RE: La Star Coverage and Extension into Biloxi-GulfportTELECOPIER PHONE NUMBER: 601-353-0950CLIENT/MATTER NUMBER: 113-01

COMMENTS: Dear Mr. Creekmore: Art Belendiuk has asked us to
send you the attached map by telefax. The solid contours
represent N.O.CGSA, Inc.s coverage of St. Tammany Parish, LA.

The dashed lines represent La Star's 39 dBu coverage plan
for an interim application. Also included, with dashed lines,
is the westernmost cell in the Biloxi-Gulfport wireline system.

We understand that Art Belendiuk will be in contact with you
tomorrow to discuss this material. Should you have any questions,
please contact us.

Sincerely yours,


Richard L. Biby, P.E.

cc: A. Belendiuk. Esq.

2-16-88North New OrleansJC+WC+Art Belinduke202-887-0600

La Star wants to say in FCC filing:

That we would have no objection to using our switch, for consideration, plus deminimus incursion into Mississippi so as to ~~have~~ have continuous coverage.

The reason for using our switch is
① to have a more believable application with the FCC and ② it would actually be cheaper.

Belinduke asks what concerns we have:

(1) Making SCB unhappy. Belinduke agrees that SCB would not be happy. However, he thinks they would see it as not a direct challenge; that we would be leasing the switch for consideration.

No Deminimus Intrusion -- They would like a bit of intrusion, but they are not interested in our area.

CERTIFICATE OF SERVICE

I, Katherine A. Baer, secretary in the law offices of Lukas, McGowan, Nace & Gutierrez, Chartered, do hereby certify that I have on this 19th day of February, 1993, sent by first-class United States mail, copies of the foregoing ERRATUM TO OPPOSITION TO PETITION to the following:

*Cheryl A. Tritt, Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N. W.
Room 500
Washington, D. C. 20554

*John M. Cimko, Jr., Esquire
Joseph Weber, Esquire
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N. W.
Room 644
Washington, D. C. 20554

Newton N. Minow, Esquire
Robert A. Beizer, Esquire
Sidley & Austin
1722 Eye Street
Washington, D. C. 20006

Alan Y. Naftalin, Esquire
Koteen & Naftalin
1150 Connecticut Avenue, N. W.
Washington, D. C. 20036

Andrew Tollin, Esquire
Wilkinson, Barker, Knauer
& Quinn
1735 New York Avenue, N. W.
Washington, D. C. 20006


David L. Hill, Esquire
O'Connor and Hannan
1919 Pennsylvania Avenue, N. W.
Eighth Floor
Washington, D. C. 20006

*By hand

William J. Sill, Esquire
McFadden, Evans & Sill
1627 Eye Street, N. W.
Suite 810
Washington, D. C. 20006

Kenneth E. Hardman, Esquire
Knopf & Burka
2033 M Street, N. W.
Suite 400
Washington, D. C. 20036

Arthur V. Belendiuk, Esquire
Smithwick & Belendiuk
2033 M Street, N. W.
Suite 207
Washington, D. C. 20036

A handwritten signature in cursive script, reading "Katherine A. Baer". The signature is written in dark ink and is positioned above a horizontal line.

Katherine A. Baer